

REMARKS

Claims 1-11 and 16-30 are pending in the present application. Reconsideration of the claims in view of the following Remarks is respectfully requested.

I. 35 U.S.C. § 102(e), Alleged Anticipation, Claims 1-6, 11, 16, 21, 26 and 27

The Final Office Action rejects claims 1-6, 11, 16, 21, 26 and 27 under 35 U.S.C. § 102(e) as being allegedly anticipated by Lewis et al. (U.S. Patent No. 6,457,049 B2). This rejection is respectfully traversed.

As to claims 1, 6, and 26, the Final Office Action states:

As to claims 1, 6, and 26, Lewis teaches a method, program and system in a data processing system for transcoding content using a set of transcoders comprising:

receiving a request for the content from a client, wherein the request includes a set of characteristics (see col. 3, lines 46-60);

selecting a transcoder from the set of transcoders having a best match to the set of characteristics, wherein selecting a transcoder from the set of transcoders includes using the set of characteristics to perform a lookup of a transcoder corresponding to one or more characteristics in the set of characteristics in a transcoder data structure having entries for a plurality of transcoders (see col. 3, lines 23-45); and

transcoding the content using the transcoder to form transcoded content (see col. 3, lines 23-45).

Final Office Action dated May 19, 2004 pages 2-3.

Independent claim 1, which is representative of independent claims 6, 11, 16, 21, 26 and 27 with regard to similarly recited subject matter, reads as follows:

1. A method in a data processing system for transcoding content using a set of transcoders, the method comprising:

receiving a request for the content from a client, wherein the request includes a set of characteristics;

selecting a transcoder from the set of transcoders having a best match to the set of characteristics, wherein selecting a transcoder from the set of transcoders includes using the set of characteristics to perform a lookup of a transcoder corresponding to one or more characteristics in the set of characteristics in a transcoder data structure having entries for a plurality of transcoders; and

transcoding the content using the transcoder to form transcoded content. (emphasis added)

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 21 U.S.P.Q.2d 1031, 1034 (Fed Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that Lewis does not teach every element of the claimed invention arranged as they are in claim 1. Specifically, Lewis does not teach selecting a transcoder from the set of transcoders having a best match to the set of characteristics.

Lewis is directed to an enterprise network system with a plurality of software systems that are integrated using an enterprise wide software management system and communicates with a plurality of clients. At least one of the clients is functionally represented by a plurality of subclients through a middleware which is transparent to the software systems. Communications destined for any of the clients interfaced through the middleware is received by middleware and converted to a format suitable for communication with one or more of the subclients prior to transmission thereto. Correspondingly, communications received from one or more subclients is converted to an appropriate format by the middleware and forwarded to the assigned destination. Communications received by the middleware is further monitored for fields which are tracked. Upon receiving communications having fields being tracked, the middleware stores at least a part of the communication in a report table (Abstract).

Thus, Lewis teaches a middleware that receives communications from a client and converts them to formats suitable for subclients. Lewis does not teach selecting a transcoder from a set of transcoders having a best match to a set of characteristics received in a request, as recited in claim 1. The Final Office Action alleges that Lewis teaches these features at column 3, lines 23-45, which reads as follows:

The middleware is configured to appropriately transform, manipulate, and route communications originating from one or more software systems to one or more subclients. Further, the middleware is configured to appropriately transform, manipulate and route communications originating from one or more subclients to one or more software systems. In transforming communications from a data structure of a receiving device to a data structure of a destination device, the middleware is also configured to actively obtain any incomplete or deficient information. For example, the middleware may query additional devices for such information or, if available, provide the information from the middleware's own internal tables.

In order to determine the appropriate routing protocol for a given communication, the middleware maintains a set of tables. The tables define for the middleware the appropriate action which needs to be taken to respond to a particular task. Further, the tables keep track of which subclients are currently available to perform each task/subtask. Availability of a subclient is determined based on whether the subclient is currently registered with the middleware. If more than one subclient is available, the tables further include a priority scheme to determine which of the available subclients should be selected to perform the task at hand.

In the above section, while Lewis teaches a middleware that transforms communications from one data structure to another, Lewis does not teach selecting a transcoder from a set of transcoders, as recited in claim 1. Nowhere in the reference does Lewis teach a set of transcoders that transcode content or selecting a transcoder from the set. The middleware of Lewis merely breaks down a task into a number of subtasks and selects a subclient from a list of subclients that has a highest priority order to perform each subtask. The subclients are clients that perform subtasks requested by the software system. The subclients are not transcoders that transcode content from one format to another. Therefore, Lewis does not teach selecting a transcoder from the set of transcoders having a best match to a set of characteristics received in a request, as recited in claim 1.

In view of the above, Applicants respectfully submit that Lewis does not teach each and every feature of claim 1 as is required under 35 U.S.C. § 102(e). In particular, Lewis does not teach selecting a transcoder from a set of transcoders having a best match to the set of characteristics. Independent claims 6, 11, 16, 21, 26 and 27 recite similar features to that of claim 1 and thus, distinguish over Lewis for similar reasons. At least by virtue of their dependency on claims 1, 6, 11, 16 and 21 respectively, Lewis does not teach or suggest the features of

dependent claims 2-6. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-6, 11, 16, 21, 26, and 27 under 35 U.S.C. § 102(e).

In addition, Lewis does not teach the specific features of dependent claims 2-6. For example, with regard to dependent claim 2, Lewis does not teach a set of transcoders that includes one or more specific transcoders and one or more generic transcoders, wherein if none of the one or more specific transcoders are a best match to the set of characteristics, a generic transcoder is selected. As discussed previously in arguments for claim 1, Lewis's middleware only selects a subclient from a list of subclients that has a highest priority order to perform a subtask. Lewis does not teach selecting a transcoder from the set of transcoders, let alone a set of transcoders that include specific transcoders or generic transcoders.

Even if the Examiner interprets the selection of subclients as the selection of transcoders, Lewis still does not teach selecting a transcoder from a list of transcoders that includes either specific transcoders or generic transcoders. Since Lewis teaches selecting a subclient that has a highest priority order and the middleware may reprioritize the priority level of each subclient based on certain criteria, there is no need for Lewis to select a second highest priority subclient. Therefore, Lewis does not and would not teach a set of transcoders that includes generic and specific transcoders, as recited in claim 2.

With regard to claim 4, Lewis does not teach a set of characteristics that includes a tuple including parameters for a document type definition, an application, a device, and a user. While Lewis teaches, at column 8, lines 47-62, that the task request may include an appropriate data structure associated with the task, for example, D1, D2, D3, and D4, Lewis does not teach a tuple that includes a document type definition, an application, a device, and a user. Lewis teaches that if task 1 is represented by a request by the pharmacy software system to receive data related to certain drugs administered by a particular doctor then D1 may represent the name of a first drug, D2 may represent the name of a second drug, D3 may represent the name of the doctor, and D4 may represent the time frame of interest. Lewis does not teach a data structure that includes a tuple that

includes a document type definition, an application, a device, and a user. None of the parameters mentioned in Lewis includes a DTD, an application, a device or a user. Thus, Lewis does not teach the specific features of claim 4.

With regard to claim 5, Lewis does not teach or suggest a set of characteristics that includes an application characteristic identifying an application on the client that is to receive the content and a device characteristic identifying a type of device that the client is, or attempting to find a best match transcoder in the transcoder data structure based on the application characteristic. Lewis also does not teach that if a best match transcoder is not found based on the application characteristic, attempting to find a best match transcoder in the transcoder data structure based on the device characteristic.

Lewis only teaches, in Figure 11, authorized addresses of subclients for performing subtasks, Lewis does not teach anything about an application characteristic, which identifies an application on the subclient that is to receive the content. Lewis is not interested in what application within a subclient may perform the task, Lewis is only interested in which subclient can perform that task. Even if the subclient is interpreted as an application, the subclient still has nothing to do with finding a best match transcoder. To the contrary, the subclient is the client that is selected to perform a subtask, such as retrieving data for the middleware. Therefore, Lewis does not and would not teach an application characteristic.

Since Lewis does not teach an application characteristic, Lewis cannot teach attempting to find a best match transcoder in the transcoder data structure based on the application characteristic. Furthermore, Lewis cannot teach that, if a best match transcoder is not found based on the application characteristic, an attempt is made to find a best match transcoder in the transcoder data structure based on the device characteristic. In view of the above, Lewis does not teach the specific features of claims 2-6 in addition to their dependency on independent claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 2-6 under 35 U.S.C. § 102(e).

In addition, the Final Office Action alleges that claims 7-10, 17-20 and 22-25 are rejected for similar reasons over claims 1-6. Based on the arguments presented above for claims 1-6, Lewis fails to teach each and every element of claims 7-10, 17-20 and 22-25,

Applicants respectfully request the withdrawal of the rejection of claims 7-10, 17-20 and 22-25 under 35 U.S.C. § 102(e).

II. 35 U.S.C. § 103(a), Alleged Obviousness, Claims 28-30

The Final Office Action rejects claims 28-30 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lewis in view of Becker et al. (U.S. Patent No. 5,878,223). This rejection is respectfully traversed. The Final Office Action states that while Lewis does not explicitly teach the limitation of "set of characteristics is used to select a transcoder that meets output preferences of the user," Becker teaches a method of displaying information to a user according to user preferences in the Abstract. Applicants respectfully disagree.

Becker teaches transferring data pages from a server to a requesting computer without such pages having been specifically requested by the requesting computer, based upon the server or interim computer's estimation of the pages most likely to be requested next by the requesting computer. The server system tracks the patterns of requests for pages. This information is kept in the form of a table that is used to identify and/or predict those pages that are often requested following each requested page or sequence of pages. A sending process establishes communication protocol between the requesting computer and the server. Using the table and the protocol, the server computer sends the predicted next-requested pages to the requesting computer without a specific request by the user. This page is added to a local cache of predicted-to-be-selected pages in the requesting computer. Once the predicted-to-be selected page is in the cache, the requesting computer can update the appearance of the link (i.e. by changing the color or otherwise changing the appearance of the link indicator (e.g. color of text)) to indicate to the user that the page represented by that link is available in the local cache.

If the user indeed requests one of the pre-sent pages, the page information can be immediately displayed, and this event is reported to the server computer, which then updates the prediction tables and predicts and begins sending additional predicted-to-be-selected pages as described above. If the user requests a non-predicted page, that page is requested and sent in the usual manner, the server or interim computer updates its

prediction tables, and additional predicted-to-be selected pages may then be sent (Column 2, lines 30-62).

Becker does not teach selecting a transcoder from the set of transcoders having a best match to the set of characteristics, as recited in claims 1, 6, 11, 16, 21, 26 and 27. At column 7, line 66 to column 8, line 20, Becker teaches an example scenario where the requesting computer explicitly requests and receives page A from the server computer. The server then consults its prediction table and determines that page B is most often selected immediately following page A. Assuming the requesting computer follows this protocol, the server then determines that the criteria is met to begin sending page B. The server begins and completes sending page B before the user makes another explicit page request. If the user indeed requests page B next, the page is immediately loaded from the requesting system's cache and presented to the user.

Thus, Becker selects a page that is most often selected immediately following page A, based on a prediction in a prediction table. The page that Becker is selecting is not a transcoder. It is merely a Web page to be displayed to the user of the requesting system. Becker also does not teach selecting a transcoder having a best match to the set of characteristics. To the contrary, Becker teaches, at column 9, lines 38-45, that a probability of page B being selected given that A is currently selected is calculated and used to determine whether page B is the next selected page. The probability of page B is a calculated value that is adjusted as pages are requested. The probability is not a set of characteristics that is received in a request. In fact, the probabilities are not even part of a request. Therefore, Becker does not teach selecting a transcoder from the set of transcoders having a best match to the set of characteristics, as recited in claims 1, 6, 11, 16, 21, 26 and 27.

In addition, Becker does not teach a user characteristic that identifies a particular user of a client or selecting a transcoder that meets output preference of a user using a user characteristic, as recited in claim 28. To the contrary, Becker teaches selecting next-requested pages to the requesting computer without a specific request by the user. In Becker, the server only determines if the requesting computer is capable of receiving and storing the predicted-to-be requested pages that the server will send to the page cache of the requesting computer. Becker does not identify a particular user of the requesting

computer. Becker does not even use a user characteristic that identifies a user to select a transcoder. Rather, Becker predicts a page that the user is most likely to select next and sending that predicted-to-be-selected page to the user. Therefore, Becker does not teach the features of claim 28.

The Final Office Action further alleges that it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify Lewis by incorporating the step of displaying information to the user based on user preferences as taught by Becker because doing so would allow the user to view desired information in a preferred size or color without modifying the received data and therefore having more efficient communication method by saving time rather than modifying data after every retrieval. Applicants respectfully disagree.

There is no teaching or suggestion in either Lewis or Becker of using a user preference to select a transcoder meets output preferences of the user (claim 28) or that the output preferences includes a one or more particular color preferences, screen layout preferences, and sound output preferences (claim 29). Lewis is only interested in maintaining information that can be tracked by the middleware. Lewis is not interested in the output preferences of the user, such as color preferences, screen layout preferences and sound output preferences. Becker is only interested in predicting a page that is next selected by the user using a prediction table. Becker is not interested in meeting output preferences of the user, such as screen layout, sound output or a particular color.

Therefore, a person of ordinary skill in the art would not have been led to modify Lewis to incorporate Becker in order to allow the user to view desired information in a preferred size or color, because neither Lewis nor Becker teaches or suggests allowing the user to view desired information in a preferred size or color. In addition, a person in the ordinary skill in the art would not have been motivated to modify Lewis with Becker to have more efficient communication by saving time rather than modifying data after every retrieval. To the contrary, Lewis teaches away from this motivation at column 19, lines 49-51 by teaching that each report table is continually updated with information related to a specified transaction being tracked. Therefore, the report table is modified after every communication. Becker also does not teach or suggest having a more efficient communication without modifying data after every retrieval.

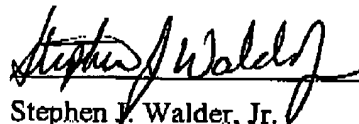
At column 8, lines 12-19, Becker teaches that the server system updates the prediction table, further reinforcing its prediction that selection B follows selection A. Therefore, Becker updates the prediction table each time a page is requested by the requesting system. Therefore, a person of an ordinary skill in the art would not have been led to modify Lewis with Becker for a more efficient communication without modifying data after every retrieval, as alleged by the Examiner. Accordingly, Applicants respectfully request the withdrawal of rejection of claims 28-30 under 35 U.S.C §103(a).

III. Conclusion

It is respectfully urged that the subject application is patentable over Lewis in view of Becker and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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